



8-10-05

Docket: 33345/US/4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Melvin Rich	Examiner:	Spear, James M.
Appln. No.:	10/720,907	Group Art Unit:	1615
Filing Date:	November 24, 2003		
Title:	<b>Formulation and Delivery Method to Enhance Antioxidant Potency of Vitamin E</b>		

TRANSMITTAL

Mail Stop Amendments  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Express Mail mailing label number EV 535043597 US

Date of Deposit August 9, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to, Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Kim Anderson

(Name)

(Signature)

Dear Sir:

The following documents are enclosed in connection with the above-referenced patent application:

1. Supplemental Information Disclosure Statement and Form PTO SB-08A submitted in duplicate (5 pgs.);
2. Cited References as necessary;
3. Fee Transmittal Sheet (1 pg.);
4. Check in the amount of \$180.00 for the Supplemental IDS fee;
5. Copy of Office Action for US Serial No. 10/321,318 (7 pgs.);
6. Copy of Office Action for US Serial No. 10/720,957 (5 pgs.);
7. Supplemental Submission (1 pg.); and
8. Return Receipt Postcard.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

By:

Scott D. Rothenberger, Esq.

Reg. No. 41,277

Intellectual Property Department

Suite 1500

50 South Sixth Street

Minneapolis, MN 55402-1498

(612) 340-8819

Date: August 9, 2005

Effective on 12/08/04

Complete if Known

# **TRANSMITTAL SHEET** **(FY 2005)**

Application No.	10/720,907
Filing Date	November 24, 2003
First Inventor	Melvin Rich
Group Art Unit	1615
Examiner Name	Spear, James M.
Atty. Docket Number	33345/US/4

☒ Applicant claims small entity status (see 37 C.F.R. 1.27)**METHOD OF PAYMENT (Check One)**☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account No.: Deposit Account Name: **DORSEY & WHITNEY LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17☐ Credit any overpayments☐ Other (please identify): **Extra Claim Fees**

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$
<b>Subtotal (Extra Claims)</b>				<b>\$</b>

**Petition Fee Under 37 CFR 1.17(f), (g), & (h)**

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**
- § 1.53(e) to accord a filing date.
- § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
- § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**
- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all inventors or person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
- § 1.295 for review of refusal to publish a statutory invention registration.
- § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
- § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
- § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
- § 5.12 for expedited handling of foreign filing license.
- § 5.15 for changing the scope of a license.
- § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

**FEE CALCULATION (Continued)****3. ADDITIONAL FEES**

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
130	65	Surcharge - Late nonprovisional filing fee or oath	<input type="text"/>
180	180	Submission of IDS	<input type="text"/>
40	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
120	60	Extension for reply within first month	<input type="text"/>
450	225	Extension for reply within second month	<input type="text"/>
1,020	510	Extension for reply within third month	<input type="text"/>
1,590	795	Extension for reply within fourth month	<input type="text"/>
2,160	1,080	Extension for reply within fifth month	<input type="text"/>
790	395	Submission After Final 1.129	<input type="text"/>
500	250	Notice of Appeal	<input type="text"/>
500	250	Filing a brief in support of an appeal	<input type="text"/>
1,000	500	Request for oral hearing	<input type="text"/>
130	65	Terminal Disclaimer Fee	<input type="text"/>
800	400	Design Issue Fee	<input type="text"/>
790	395	Request for Continued Examination (RCE)	<input type="text"/>
130		Request for voluntary publication or republication	<input type="text"/>
500	250	Petition to Revive - unavoidable	<input type="text"/>
1,500	750	Petition to Revive - unintentional	<input type="text"/>
200		Filing for patent term adjustment	<input type="text"/>
400		Request for reinstatement of term reduced	<input type="text"/>
1,120		Extension of term of patent	<input type="text"/>
OTHER FEE (specify)		<input type="text"/>	<input type="text"/>

**Subtotal (Additional Fees) \$180.00****Total Amount of Payment: \$180.00**

Submitted by:

CUSTOMER NUMBER

DORSEY &amp; WHITNEY LLP

Name: **Scott D. Rothenberger**Phone No.: **(612) 340-8819**Fax No.: Signature: Reg. No.: **41,277**Date: **August 9, 2005**



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Melvin Rich	
Appln. No.:	10/720,907	
Filing Date:	November 24, 2003	Examiner: Spear, James M.
Title:	<b>Formulation and Delivery Method to Enhance Antioxidant Potency of Vitamin E</b>	Group Art Unit: 1615

## SUPPLEMENTAL SUBMISSION

**Mail Stop Amendments**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Express Mail mailing label number EV 535043597 US  
Date of Deposit August 9, 2005

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Kim Anderson

(Name)

(Signature)

Dear Sir:

Attached please find copies of two (2) Office Actions from related applications that should be considered in view of the above-identified application. The Office Actions are from US Serial Nos. 10/321,318 and 10/720,957.

Applicants respectfully request that the Examiner consider the enclosed Office Actions prior to issuance of a Notice of Allowance.

Respectfully submitted,

DORSEY & WHITNEY LLP

Customer Number 25763

By:

Scott D. Rothenberger, Esq.

Reg. No. 41,277

Intellectual Property Department

Suite 1500

50 South Sixth Street

Minneapolis, MN 55402-1498

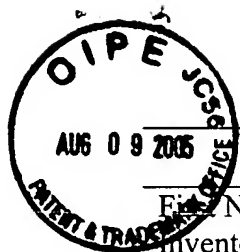
(612) 340-8819

Date: August 9, 2005

08/11/2005 EAYALEW1 00000015 10720907

01 FC:1806

180.00 UP



Docket: 33345/US/4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

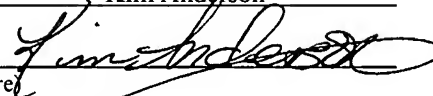
First Named Inventor:	Melvin Rich	
Application No.:	10/720,907	
Filing Date:	November 24, 2003	Examiner: Spear, James M.
Title:	<b>Formulation and Delivery Method to Enhance Antioxidant Potency of Vitamin E</b>	Group Art Unit: 1615

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR § 1.97(C)**

Mail Stop Amendments  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Express Mailing Number: EV 535043597 US  
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\_\_\_\_\_  
(Name) Kim Anderson  
(Signature) 

Dear Sir:

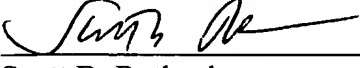
Pursuant to 37 CFR § 1.97(c), the references listed on the attached Form PTO/SB/08A (2 sheet(s), submitted in duplicate) are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the identified references are enclosed as necessary. This Information Disclosure Statement ("IDS") is accompanied by the fee set forth in 37 CFR § 1.17(p).

**Payment of Fee Under 37 CFR § 1.17(p)**

The fee under 37 CFR § 1.17(p), required for submission of an IDS under 37 CFR § 1.97(c), is enclosed, as referenced in the attached Fee Transmittal Sheet.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

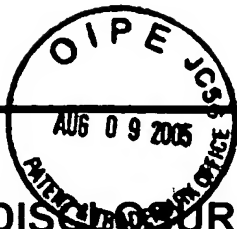
By:   
\_\_\_\_\_  
Scott D. Rothenberger  
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Intellectual Property Department  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402-1498  
(612) 340-8819

Date: August 9, 2005

08/11/2005 EAYALEW1 00000015 10720907

01 FC:1806

180.00 0P



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/720,907
Filing Date	November 24, 2003
First Named Inventor	Melvin Rich
Art Unit	1615
Examiner Name	Spear, James M.

Sheet	1	of	2	Attorney Docket Number	33345/US/4
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**U.S. PUBLISHED DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number – Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 2001/0046548	11-29-2001	Berry et al.	

**U.S. PATENT DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number – Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 2,940,900	06-14-1960	Benton, Jr. et al.,	
		US- 3,102,078	08-27-1963	Robeson	
		US- 3,212,901	10-19-1965	Robeson	
		US- 3,564,097	02-16-1971	Magid	
		US- 4,364,945	12-21-1982	Whittle	
		US- 4,551,332	11-05-1985	Stillman	
		US- 4,612,194	09-16-1986	Ismail	
		US- 4,711,894	12-08-1987	Wenzel et al.	
		US- 5,179,122	01-12-1993	Greene et al.	
		US- 5,348,974	09-20-1994	Wright et al.	
		US- 5,352,696	01-12-1993	Kim	
		US- 5,376,361	12-27-1994	Perricone	
		US- 5,387,579	02-07-1995	Meybeck et al.	
		US- 5,545,398	08-13-1996	Perricone	
		US- 5,591,772	01-07-1997	Lane et al.	
		US- 5,919,818	07-06-1999	Lane et al.	
		US- 5,985,344	11-16-1999	Cherukuri et al.	
		US- 5,997,892	12-07-1999	Camp	

EXAMINER SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/720,907
Filing Date	November 24, 2003
First Named Inventor	Melvin Rich
Art Unit	1615
Examiner Name	Spear, James M.

Sheet	2	of	2	Attorney Docket Number	33345/US/4
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*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 6,048,891	04-11-2000	Wechter	
		US- 6,239,171	05-29-2001	Lane et al.	
		US- 6,358,997	03-19-2002	Clark et al.	
		US- 6,716,451	04-06-2004	Udell et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

*Examiner Initial	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
		WO	96/19218	06-27-1996	Henkel Corporation		<input type="checkbox"/>	<input type="checkbox"/>
		JP	7-163379	06-27-1995	Sata Tomoko		<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
			YES	NO
		T.K. W. Ng. et al., "Effects of Tocotrienol-Rich and Tocopherol-Rich Fractions from Palm Oil on Serum Lipids and Platelet Aggregation in the Rat," 1990, Asean Food Journal, Asean Food Handling Bureau, Kuala Lumpur, MY, pgs. 165-169, XP001038596, Issn: 0127-7324, pg. 166, lines 11-15	<input type="checkbox"/>	<input type="checkbox"/>
		United States Patent and Trademark Office, Office Action Dated July 1, 2005 in reference to Application Serial No. 10/321,318 (7 pgs.)	<input type="checkbox"/>	<input type="checkbox"/>
		United States Patent and Trademark Office, Office Action Dated April 8, 2005 in reference to Application Serial No. 10/720,957 (5 pgs.)	<input type="checkbox"/>	<input type="checkbox"/>

EXAMINER SIGNATURE

DATE CONSIDERED

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STATEMENT BY APPLICANT**

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Application Number	10/720,907
Filing Date	November 24, 2003
First Named Inventor	Melvin Rich
Art Unit	1615
Examiner Name	Spear, James M.
Attorney Docket Number	33345/US/4

Sheet 1 of 2

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		US- 2,940,900	06-14-1960	Benton, Jr. et al.,	
		US- 3,102,078	08-27-1963	Robeson	
		US- 3,212,901	10-19-1965	Robeson	
		US- 3,564,097	02-16-1971	Magid	
		US- 4,364,945	12-21-1982	Whittle	
		US- 4,551,332	11-05-1985	Stillman	
		US- 4,612,194	09-16-1986	Ismail	
		US- 4,711,894	12-08-1987	Wenzel et al.	
		US- 5,179,122	01-12-1993	Greene et al.	
		US- 5,348,974	09-20-1994	Wright et al.	
		US- 5,352,696	01-12-1993	Kim	
		US- 5,376,361	12-27-1994	Perricone	
		US- 5,387,579	02-07-1995	Meybeck et al.	
		US- 5,545,398	08-13-1996	Perricone	
		US- 5,591,772	01-07-1997	Lane et al.	
		US- 5,919,818	07-06-1999	Lane et al.	
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		US- 5,997,892	12-07-1999	Camp	

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